

1-1 By: Hughes S.B. No. 51  
 1-2 (In the Senate - Filed October 12, 2021; October 12, 2021,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 October 14, 2021, reported favorably by the following vote:  
 1-5 Yeas 5, Nays 3; October 14, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hughes	X			
1-8 Birdwell	X			
1-9 Campbell			X	
1-10 Hall	X			
1-11 Lucio		X		
1-12 Nelson	X			
1-13 Powell		X		
1-14 Schwertner	X			
1-15 Zaffirini		X		

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to prohibited COVID-19 vaccine mandates and vaccination  
 1-20 status discrimination and to exemptions from certain vaccine  
 1-21 requirements.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 161.0085, Health and Safety Code, is  
 1-24 amended by adding Subsection (b-1) and amending Subsection (e) to  
 1-25 read as follows:

1-26 (b-1) A governmental entity in this state may not require an  
 1-27 individual to provide any documentation certifying the  
 1-28 individual's COVID-19 vaccination or post-transmission recovery on  
 1-29 entry to, to gain access to, or to receive service from the  
 1-30 governmental entity.

1-31 (e) This section may not be construed to:

1-32 (1) restrict a business or governmental entity from  
 1-33 implementing COVID-19 screening and infection control protocols in  
 1-34 accordance with state and federal law to protect public health; or

1-35 (2) interfere with an individual's right to access the  
 1-36 individual's personal health information under federal law.

1-37 SECTION 2. Subchapter A, Chapter 161, Health and Safety  
 1-38 Code, is amended by adding Section 161.0086 to read as follows:

1-39 Sec. 161.0086. PROHIBITION ON POLITICAL SUBDIVISIONS  
 1-40 MANDATING COVID-19 VACCINATIONS. (a) In this section, "COVID-19"  
 1-41 means the 2019 novel coronavirus disease.

1-42 (b) Notwithstanding any other law, including Chapter 81 of  
 1-43 this code and Chapter 418, Government Code, a political subdivision  
 1-44 of this state may not issue an order, adopt an ordinance, or  
 1-45 otherwise require an individual to be vaccinated against COVID-19.

1-46 SECTION 3. Section 38.001(b), Education Code, as amended by  
 1-47 Chapters 43 (H.B. 1098) and 94 (H.B. 1059), Acts of the 80th  
 1-48 Legislature, Regular Session, 2007, is reenacted and amended to  
 1-49 read as follows:

1-50 (b) Subject to Subsections (b-1), (b-2), and (c), the  
 1-51 executive commissioner of the Health and Human Services Commission  
 1-52 may modify or delete any of the immunizations in Subsection (a) or  
 1-53 may require immunizations against additional diseases as a  
 1-54 requirement for admission to any elementary or secondary school.

1-55 SECTION 4. Section 38.001, Education Code, is amended by  
 1-56 adding Subsection (b-2) to read as follows:

1-57 (b-2) An elementary or secondary school may not require a  
 1-58 student, as a condition of the student's admission to or continued  
 1-59 enrollment in the school, to be vaccinated against the 2019 novel  
 1-60 coronavirus disease (COVID-19).

1-61 SECTION 5. Subchapter Z, Chapter 51, Education Code, is

2-1 amended by adding Section 51.91921 to read as follows:

2-2 Sec. 51.91921. PROHIBITION ON PRIVATE OR INDEPENDENT  
2-3 INSTITUTIONS OF HIGHER EDUCATION MANDATING COVID-19 VACCINATION  
2-4 FOR STUDENTS. (a) In this section:

2-5 (1) "COVID-19" means the 2019 novel coronavirus  
2-6 disease.

2-7 (2) "Private or independent institution of higher  
2-8 education" has the meaning assigned by Section 61.003.

2-9 (b) A private or independent institution of higher  
2-10 education may not require a student, as a condition of the student's  
2-11 admission to or continued enrollment in the institution, to be  
2-12 vaccinated against COVID-19.

2-13 SECTION 6. Section 51.933, Education Code, is amended by  
2-14 amending Subsection (b) and adding Subsection (b-2) to read as  
2-15 follows:

2-16 (b) Except as provided by Subsection (b-2), the [The]  
2-17 executive commissioner of the Health and Human Services Commission  
2-18 may require immunizations against the diseases listed in Subsection  
2-19 (a) and additional diseases for students at any institution of  
2-20 higher education who are pursuing a course of study in a human or  
2-21 animal health profession, and the executive commissioner may  
2-22 require those immunizations for any students in times of an  
2-23 emergency or epidemic in a county where the commissioner of state  
2-24 health services has declared such an emergency or epidemic.

2-25 (b-2) An institution of higher education may not require a  
2-26 student, as a condition of the student's admission to or continued  
2-27 enrollment in the institution, to be vaccinated against the 2019  
2-28 novel coronavirus disease (COVID-19).

2-29 SECTION 7. Chapter 21, Labor Code, is amended by adding  
2-30 Subchapter H-1 to read as follows:

2-31 SUBCHAPTER H-1. DISCRIMINATION BASED ON EXEMPTION FROM REQUIRED  
2-32 COVID-19 VACCINATION

2-33 Sec. 21.421. DEFINITION. In this subchapter, "COVID-19"  
2-34 means the 2019 novel coronavirus disease.

2-35 Sec. 21.422. EXEMPTION FROM REQUIRED COVID-19 VACCINATION.  
2-36 An employer, labor organization, or employment agency shall allow  
2-37 an individual to claim an exemption from a required COVID-19  
2-38 vaccination based on a medical condition or reasons of conscience,  
2-39 including a religious belief.

2-40 Sec. 21.423. PROHIBITED DISCRIMINATION BASED ON EXEMPTION  
2-41 FROM REQUIRED COVID-19 VACCINATION. (a) An employer commits an  
2-42 unlawful employment practice if the employer fails or refuses to  
2-43 hire, discharges, or otherwise discriminates against an individual  
2-44 with respect to the compensation or the terms, conditions, or  
2-45 privileges of employment because the individual claims an exemption  
2-46 described by Section 21.422.

2-47 (b) A labor organization commits an unlawful employment  
2-48 practice if the labor organization excludes or expels from  
2-49 membership or otherwise discriminates against an individual  
2-50 because the individual claims an exemption described by Section  
2-51 21.422.

2-52 (c) An employment agency commits an unlawful employment  
2-53 practice if the employment agency classifies or refers for  
2-54 employment, fails or refuses to refer for employment, or otherwise  
2-55 discriminates against an individual because the individual claims  
2-56 an exemption described by Section 21.422.

2-57 Sec. 21.424. COVID-19 VACCINATION EXEMPTION AFFIDAVIT  
2-58 FORM. (a) An employee claiming an exemption from a required  
2-59 COVID-19 vaccination must complete and provide to the employee's  
2-60 employer an affidavit on a form described by Subsection (e) stating  
2-61 the reason for the exemption.

2-62 (b) The affidavit must be signed by the employee claiming  
2-63 the exemption or, if the employee is a minor, the employee's parent,  
2-64 managing conservator, or guardian, and the affidavit must be  
2-65 notarized.

2-66 (c) On request of an employee, an employer shall provide to  
2-67 the employee a blank copy of the vaccination exemption affidavit  
2-68 form described by Subsection (e).

2-69 (d) On receipt of an employee's signed and notarized

3-1 affidavit claiming the exemption, the employer shall exempt the  
3-2 employee from receiving a required COVID-19 vaccination.

3-3 (e) The commission shall develop and make available on the  
3-4 commission's Internet website a blank affidavit form to be used by  
3-5 an employee who claims an exemption from a required COVID-19  
3-6 vaccination. The content of the affidavit form must be the same or  
3-7 substantially similar to the affidavit form developed under Section  
3-8 161.0041, Health and Safety Code, except that the form is not  
3-9 required to contain a seal or other security device under  
3-10 Subsection (d) of that section.

3-11 SECTION 8. Section 224.002(c), Health and Safety Code, is  
3-12 amended to read as follows:

3-13 (c) The policy shall ~~may~~ include procedures for a covered  
3-14 individual to be exempt from the required vaccines based on reasons  
3-15 of conscience, including a religious belief.

3-16 SECTION 9. Subchapter H-1, Chapter 21, Labor Code, as added  
3-17 by this Act, applies only to an unlawful employment practice that  
3-18 occurs on or after the effective date of this Act.

3-19 SECTION 10. (a) The changes in law made by this Act to  
3-20 Title 2, Education Code, apply beginning with the 2021-2022 school  
3-21 year.

3-22 (b) The changes in law made by this Act to Title 3, Education  
3-23 Code, apply beginning with the 2021-2022 academic year.

3-24 SECTION 11. This Act takes effect immediately if it  
3-25 receives a vote of two-thirds of all the members elected to each  
3-26 house, as provided by Section 39, Article III, Texas Constitution.  
3-27 If this Act does not receive the vote necessary for immediate  
3-28 effect, this Act takes effect on the 91st day after the last day of  
3-29 the legislative session.

3-30 \* \* \* \* \*